

DEVELOPING FEES FOR APHIS SERVICES

1. PURPOSE

This Directive establishes policy, delegations of authority, and responsibilities for developing, approving, and implementing fees for APHIS services. Fees, as used in this Directive, refer to the fees charged for agricultural quarantine inspection, plant inspection, import/export, veterinary diagnostic, reimbursable overtime, administrative support services, and other fees as prescribed by statute or other authority.

2. REPLACEMENT HIGHLIGHTS

This revision includes authority APHIS received for charging user fees in the Food, Agriculture, Conservation, and Trade Act (FACT Act) of 1990.

3. POLICY

It is Agency policy to establish fees at levels that will recover, to the fullest possible extent, all costs of providing the requested services. Fees will be reviewed at least annually or, as in the case of Harry S Truman Animal Import Center rates, as requested to ensure cost efficiency in APHIS user fee programs.

4. AUTHORITIES

Authority to establish fees is contained in 7 U.S.C. 2260, 21 U.S.C. 102, 21 U.S.C. 135, and 21 U.S.C. 136 and 136a. The affected program activities and the implementation regulations are as follows: agricultural quarantine and inspection services, 7 CFR 354; phytosanitary certificates, 7 CFR 354.3; reimbursable overtime, 7 CFR 354.1 and 9 CFR 97.1; animal import/export, 9 CFR 92 and 9 CFR 130; and veterinary diagnostics, 9 CFR 130.

5. DELEGATION OF AUTHORITY

The Assistant Secretary for Marketing and Regulatory Programs has delegated to the Administrator complete authority to establish and approve all APHIS fees.

6. RESPONSIBILITIES

a. The Budget and Accounting Division (BAD) will:

- (1) Conduct a continuing review and analysis of the impact of current fees on the programs, using accounting reports and program data.
- (2) Notify Agency officials of their current financial position by special reports or the monthly status of funds process.

- (3) Develop proposals for fee changes based on analyses of accounting reports, program data, and contacts with headquarters and field personnel.
- (4) Review legislation authorizing fees and develop proposals for implementing new fees.
- (5) Present recommendations for new or revised fees, supported by all pertinent documentation, to the appropriate Agency officials. BAD obtains concurrence from the appropriate Deputy Administrator/Director and approval from the Administrator.
- (6) Coordinate, with the Program Deputy Administrators/Directors and the Regulatory Analysis and Development (RAD) Staff, publication of new or revised fees in the Federal Register.
- (7) Inform the National Finance Center (NFC) and the Field Servicing Office (FSO) of new or revised fees and the effective date of implementation.
- (8) Act as liaison with NFC, FSO, and other collecting agents (e.g., U.S. Customs Service) to coordinate billing and collection activities for fees.
- (9) Conduct periodic reviews of program activities to review the adequacy of the cost components included in the fee.
- (10) Assist the Resource Management Systems and Evaluation Staff with financial audits and reviews to determine compliance with charging and collecting established fees.

b. Program Deputy Administrators/Directors will:

- (1) Conduct ongoing reviews of programs to ensure the most economical and efficient use of resources and assist in ensuring compliance with established billing and collection systems.
- (2) Advise BAD of program developments that may affect fees charged.
- (3) Assist BAD in the review of fees applicable to their programs.
- (4) Concur with new or revised fees prior to approval by the Administrator.
- (5) Assign the appropriate priority status to user fee dockets.
- (6) Notify all field stations of the new or revised fees and the effective date of implementation. If publication of fees is not required, interested parties or users of APHIS services should be notified.
- (7) Analyze financial data routinely to determine status of funds.
- (8) Participate in the development of a monthly status of funds. Develop special reports, as needed, to assist with the

analysis.

c. The RAD Staff will:

- (1) Write Federal Register dockets.
- (2) Coordinate the necessary clearances for publication.
- (3) Notify appropriate offices of publication date of final rules and their effective dates.

7. INQUIRIES

Direct any questions or inquiries to the Financial Systems and Services Branch, BAD.

/s/ Phyllis York /s/
Deputy Administrator
for Management and Budget